

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

Bikash Mohan Mohanty, Individually and on  
Behalf of All Others Similarly Situated,

**SUMMONS IN A CIVIL CASE**

CASE NUMBER: C 07-5101 SBA

**V.**

See Attachment A

TO: (Name and address of defendant)

See Attachment B

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Reed R. Kathrein (139304)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
reed@hbsslaw.com

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking  
CLERK

OCT 16 2007

DATE \_\_\_\_\_

  
(BY) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

DATE

Service of the Summons and Complaint was made by me <sup>1</sup>

Name of SERVER

TITLE

*Check one box below to indicate appropriate method of service*☐

Served Personally upon the Defendant. Place where served:

☐

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐

Returned unexecuted:

☐Other (*specify*):**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

**ATTACHMENT A TO SUMMONS**

**DEFENDANTS:**

1. Amir Bassan-Eskenazi
2. Ran Oz
3. Frederick Ball
4. Gal Israely
5. Dean Gilbert
6. Ken Goldman
7. Lloyd Carney
8. Bruce Sachs
9. Robert Sachs
10. Goeffrey Yang
11. Morgan Stanley & Co., Inc.
12. Merrill Lynch, Pierce, Fenner & Smith Inc.
13. Jefferies & Co., Inc.
14. Cowen & Co., Inc.
15. Thinkequity Partners, LLC
16. BigBand Networks, Inc.

**ATTACHMENT B TO SUMMONS**

**DEFENDANT NAMES AND ADDRESSES**

1. Amir Bassan-Eskenazi  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
2. Ran Oz  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
3. Frederick Ball  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
4. Gal Israely  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
5. Dean Gilbert  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
6. Ken Goldman  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
7. Lloyd Carney  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
8. Bruce Sachs

**ATTACHMENT B TO SUMMONS**

c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304

9. Robert Sachs  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
10. Goeffrey Yang  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
11. Morgan Stanley & Co., Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
12. Merrill Lynch, Pierce, Fenner & Smith Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
13. Jefferies & Co., Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
14. Cowen & Co., Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
15. Thinkequity Partners, LLC  
National Registered Agents, Inc.  
160 Greentree Drive, Suite 101  
Dover, DE 19904
16. BigBand Networks, Inc.  
c/o Matthew Fricke  
913 Willow Street, Suite 205  
San Jose, CA 95125

AO 399 (Rev. 10/95)

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Amir Bassan-Eskenazi ☒, acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

[Signature]  
(SIGNATURE)

Printed/Typed Name: on behalf of Amir Bassan-Eskenazi

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.


It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Ran Oz , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

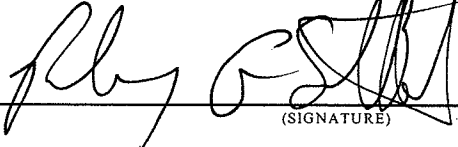
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Ran Oz

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Frederick Ball , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

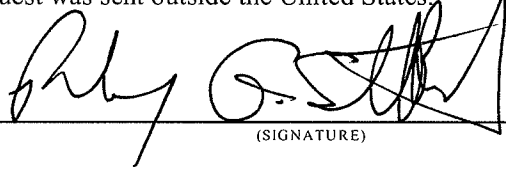
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

Oct. 31, 2007  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Frederick Ball

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Gal Israely ☒, acknowledge receipt of your request  
 (DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.  
 (CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
 (DOCKET NUMBER)  
 for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007  
 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
 (DATE)

[Signature]  
 (SIGNATURE)

Printed/Typed Name: on behalf of Gal Israely

As \_\_\_\_\_ of \_\_\_\_\_  
 (TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO 399 (Rev. 10/95)

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Dean Gilbert , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Dean Gilbert

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Ken Goldman , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

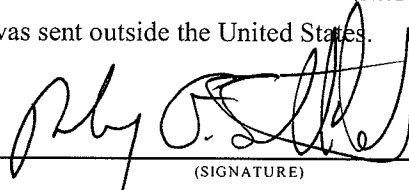
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Ken Goldman

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO 399 (Rev. 10/95)

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Lloyd Carney , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

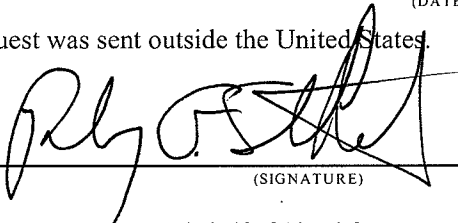
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Lloyd Carney

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Bruce Sachs , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.  
(CAPTION OF ACTION),  
which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

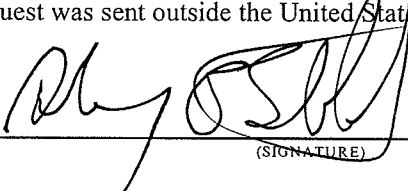
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Bruce Sachs

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.


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Clear Form

# WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Robert Sachs , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

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I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

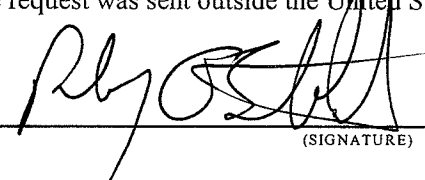
answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07

(DATE)



(SIGNATURE)

Printed/Typed Name: on behalf of Bruce Sachs

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO 399 (Rev. 10/95)

Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Goeffrey Yang , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

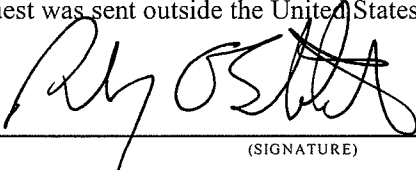
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answer or motion under Rule 12 is not served upon you within 60 days  
after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of Goeffrey Yang

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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Clear Form

**WAIVER OF SERVICE OF SUMMONS**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, BigBand Networks, Inc. , acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Mohanty v. Bassan-Eskenazi, et al.,  
(CAPTION OF ACTION)

which is case number C 07-5101 SBA in the United States District Court  
(DOCKET NUMBER)  
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

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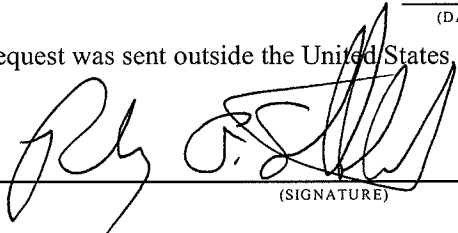
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answer or motion under Rule 12 is not served upon you within 60 days after

October 16, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

10/31/07  
(DATE)

  
(SIGNATURE)

Printed/Typed Name: on behalf of BigBand Networks, Inc.

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

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